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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/254,578 04/14/99 BLAZEK

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EXAMINER

DOAN, R

ART UNIT

PAPER NUMBER

3732

DATE MAILED:

9  
06/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/254,578**

Applicant(s)  
**Blazek**

Examiner  
**Robyn Kieu Doan**

Group Art Unit  
**3732**



☒ Responsive to communication(s) filed on Apr 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pangburn in view of McKew.

With regard to claims 1 and 8-10, Pangburn discloses a nail file (fig. 1) comprising a body (10) which has a glass surface (11a) and an abrading material (11) being disposed on at least part of the surface with a roughness varying from 10-100 microns (col. 2, line 40). Pangburn does not disclose the body of the nail file being made of a single, integral glass; McKew discloses a fingernail sculpting (fig. 1) having a body (48) being made of a single, integral glass (col. 5, lines 16-17). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the glass material as taught by McKew into the nail file of Pangburn for the purpose of intended use.

Art Unit:

3. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godbout in view of McKew.

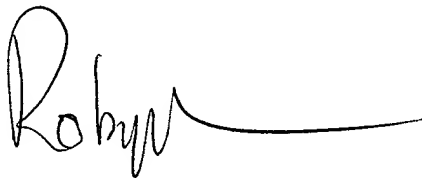
With regard to claims 1-2 and 4-7, Godbout discloses a nail file (figs. 1-3) comprising a rough body (10) having a glass surface with abrading material on at least part of the surface, the file having an oblong shape and at least one of its ends a point (fig. 3), at least one end of the body and both edges being belleted. Godbout does not disclose the body of the nail file being made of a single, integral glass; McKew discloses a fingernail sculpting (fig. 1) having a body (48) being made of a single, integral glass (col. 5, lines 16-17). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the glass material as taught by McKew into the nail file of Pangburn for the purpose of intended use.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pangburn or Godbout in view of McKew as applied to claim 1 above, and further in view of Tsukamoto.

With regard to claim 3, Pangburn or Godbout in view of McKew disclose a nail file comprising all the claimed limitations in claim 1 as discussed above except for one end of the body being V-shaped. Tsukamoto discloses a nail file (fig. 1) comprising a body with one end being V-shaped. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the V-shaped end as taught by Tsukamoto into the nail file of Pangburn or Godbout in view of McKew for the purpose of intended use.

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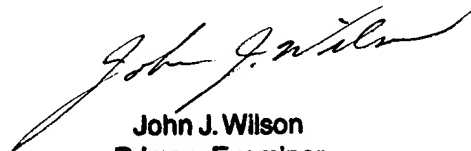
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rudolph, Tsuruzawa and Oliver are cite to show the state of the art with respect to a nail file having glass attached thereto.
6. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Kieu Doan whose telephone number is (703) 306-9182.



Robyn Kieu Doan

Examiner

June 16, 2000



John J. Wilson  
Primary Examiner